

**New York State Education Department
Office of State Review
Sample Narrative Request for Review
of an Impartial Hearing Officer's Decision**

This is a sample a Request for Review in a narrative format which states the reasons that the parent is seeking review of the Impartial Hearing Officer's (IHO's) decision. If you choose to, you write your own request for review using a similar format. If you choose to use to use this format, please keep in mind the following:

- Make clear and concise statements of the issues/IHO rulings that you would like a State Review Officer to review and the reasons that the IHO's decision should be reversed or changed, with each issue/IHO ruling numbered separately. Any issue/IHO ruling that you do not identify in your Request for Review will not be addressed by a State Review Officer who will assume that you are abandoning the issue.
- Explain to the State Review Officer what part(s) of the IHO's decision you disagree with, and why you disagree with the IHO's decision. Also if you would like a State Review Officer to decide an issue that was not addressed by the hearing officer, explain the issue and the IHO's failure to or refusal to rule on/decide the issue. When possible, you should refer to the evidence in the hearing record, such as the page numbers from the written transcript of the hearing or written documents which were presented at the hearing, to support your argument.
- If you object to the way in which the IHO conducted the hearing, you should state your objection, and if possible, you should refer to any pages of the written record of the hearing which relate to your objection.
- Indicate what relief or remedy you are seeking by bringing the appeal. At the end of the Request for Review, you should explain to the State Review Officer what you would like to see happen. You may ask the State Review Officer to reverse or change the IHO's decision. You must decide what you believe the school district should be ordered to do to help your child and explain what you would like the State Review Officer to order.
- You are not required to refer to portions of federal or State laws or regulations to support your argument that the decision of the hearing officer should be overturned or amended; however, if you wish you may do so in the Request for Review.

For Additional Information

For additional information on the appeal process, please call the Office of State Review at (518) 485-9373 and refer to <https://www.sro.nysed.gov/book/overview-part-279-revised-effective-january-1-2017>

Instructions: Complete the Request for Review and sign it. Then sign an Affidavit of Verification (Form D) in front of a Notary Public. Make two copies each of the Notice of Request for Review (Form B), Affidavit of Verification, and Request for Review.

- ✓ Hand deliver a copy of the Request for Review (and a copy of both the Notice of Request for Review and Affidavit of Verification) to the school district.
- ✓ Within 2 calendar days of serving the Request for Review upon the school district, the **original** Notice of Intention to Seek Review and Case Information Statement, Notice of Request for Review, Request for Review, Affidavit of Verification, and Affidavit of Service must be mailed to the State Review Officer at the following address:

Office of State Review
New York State Education Department
80 Wolf Road, Suite 203
Albany, NY 12205

- ✓ Keep a copy of all completed forms for your records.

Smith, the District's speech-language therapist, that he no longer needed speech-language therapy. (IHO Decision at p. 11; Transcript pp. 301-333). The IHO also relied on the District's January 10, 2014 speech-language evaluation (Dist. 34). The IHO did not consider the testimony of Mrs. Fuller, our son's former private speech-language therapist, who testified that he needs at least two therapy sessions per week. (Transcript at pp. 450-455). Mrs. Williams, Tony's teacher during the 2016-17 school year, also reported that Tony had speech-language issues (Parent B). The IHO only considered Ms. Smith's testimony, and did not consider other evidence, which supports our position. Also, the January 10, 2014 speech-language evaluation is old and does not give a good description of our son. We ask that the IHO's decision be reversed and eighty hours of speech-language services be given to our son.

2. The IHO should have found that the District did not conduct a second CSE meeting in the 2016-17 school year

The IHO should have found that the District failed to schedule a CSE meeting upon receipt of our January 2017 letter. (IHO Decision at p. 17; Parent I). We requested that the CSE meet to consider whether our son should receive speech-language therapy. (Parent I.) A March 4, 2016 report from Ms. Fuller, which recommended that our son continue to receive speech-language therapy in school, was included with our letter. (Parent K at p. 2). No CSE meeting was ever held to address our concerns in the letter or to consider Mrs. Fuller's report. (Transcript pp. 190-193). Tony did not make progress in his speech-language skills during the 2016-17 school year (Dist. 13).

3. The IHO incorrectly found that the general education placement recommended for the 2017-18 school year would meet Tony's needs

the IEP to a special class instead of general education was only when we learned that the CSE recommendations remained the same as the prior school year that we paid the remaining balance of the XYZ tuition and fully committed to having Tony attend the XYZ school for the 2017-18 school year (Transcript p. 558).

For all of these reasons, we ask that the SRO reverse the decision and find that the District should provide Tony with 80 hours of speech language therapy to make up for the sessions he should have received during the 2016 school year, and reimburse us for the tuition we paid to XYZ for the 2017-18 school year.

Date: January 1, 2018

Dominic Vasquez and Jane Vasquez

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